

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No: 1:15 CV 1046
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
CITY OF CLEVELAND,)	CITY’S MOTION FOR RELIEF FROM
)	OR EXTENSION OF TIME FOR ITS
)	OBLIGATION TO PRODUCE RECORDS
Defendant)	IN RESPONSE TO REQUEST FROM CPC

Pursuant to the Court’s September 3, 2021, Order (Doc #: 382), Defendant, City of Cleveland, hereby moves the Court for relief from or extension of time of its obligation to produce records in response to a request by the Community Police Commission (CPC) to the Cleveland Division of Police (CDP). The CPC has requested vast quantities of records – many of which are restricted by state and federal rules and which the City cannot lawfully produce in an unredacted state to the CPC without risk of penalty. Further, the City has been working with the CPC and the U.S. Department of Justice to create a process to provide requested documents. These requests are part of that process.

Attached as Exhibit A is the City’s February 1, 2024, Memorandum explaining the City’s objections to the CPC requests from October 27, 2023, and January 18, 2024. This Memo was sent to the Monitoring Team, the DOJ, and City officials, including the Police Accountability Team. Plaintiff has expressed disagreement with the City’s objections as set forth in the Memorandum.

The City continues to engage with the United States and the CPC regarding development of an agreed-upon process for the hearing of objections to records requests, as ordered by the Court. However, until such a process is finalized, the City should not be required to move forward with production contrary to the position articulated by the Ohio Department of Public Safety and the Ohio Attorney General, and potentially in violation of R.C. 2913.04.

Therefore, for the foregoing reasons, Defendant, City of Cleveland, hereby moves the Court for relief from or temporary continuance of its obligation to produce records in response to CPC requests from October 27, 2023, and January 18, 2024. In the alternative, the City requests a sufficient extension of time to permit review and redaction of voluminous records. The Memorandum attached as Exhibit A is incorporated herein by reference.

Respectfully submitted,

/s/ Mark D. Griffin

MARK D. GRIFFIN (0064141)
Director of Law
Delanté Spencer Thomas (0096349)
Chief Assistant Director of Law
City of Cleveland
601 Lakeside Ave. E
City Hall Room 106
Cleveland, OH 44114
(216) 664-2800
mgriffin@clevelandohio.gov

CERTIFICATE OF SERVICE

A copy of the foregoing Motion was sent via operation of the Court's ECF system on the day of filing to all parties of record. A courtesy copy was emailed to counsel for the United States, Patricia M. Fitzgerald (patricia.fitzgerald2@usdoj.gov); the Monitor, Karl Racine (karl.racine@hoganlovells.com); and counsel for CPC, Martin Bielat (mbielat@clevelandohio.gov).

/s/ Mark D. Griffin

MARK D. GRIFFIN (0064141)
Director of Law